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CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE, FAX NO. (703) 872-9303 ON 28 January 2004.

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NAME OF PERSON SIGNING CERTIFICATE: Scott J. Apchell

SIGNATURE: *Scott J. Apchell*

JAN 28 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In re Application of: Frederic GAGNON) Confirmation No.: 8348
Application No.: 09/888,618) Group Art Unit: 3753
Filed: 26 June 2001) Examiner: R. Krishnamurthy
For: AIR MASS FLOW CONTROLLER)
VALVE)

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated 28 July 2003, the period for replying to which has been extended three-months through 28 January 2004, rejecting the following claims: 1, 2, 5-12 and 19.

1. Extension of Time

[X] Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months Requested	Fee for Extension	[Fee for Small Entity]
[] one month	\$ 110.00	\$ 55.00
[] two months	\$ 420.00	\$210.00
[X] three months	\$ 950.00	\$475.00
[] four months	\$1,480.00	\$740.00

02/02/2004 LTHOMPS1 [00210] An extension for ____ month(s) has already been secured and the fee paid therefore of \$ 01 FC:1253 950.00 DA _____ is deducted from the total fee due for the total months of extension now 02 FC:1401 330.00 DA requested.

[X] Extension of time fee due with this request: \$950.00

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2. **Notice of Appeal Fee - 37 C.F.R. § 1.17(b)**

- The fee in the amount of \$330.00 to cover the appeal fee is enclosed.
- The Commissioner is authorized to charge the notice of appeal fee to Deposit Account No. 50-0310. The amount is \$330.00.

3. **Fee Total(s):**

- The Notice of Appeal Fee Under 37 C.F.R. § 1.17(b) of \$330.00 with a three-month Extension of Time fee of \$950.00, totaling \$1,280.00, is being charged to Deposit Account No. 50-0310.

4. **Constructive Petition**

- Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 136(a)(3).

Respectfully submitted,
MORGAN, LEWIS & BOCKIUS LLP

Date: 28 January 2004

By:



Scott J. Anchell
Reg. No. 35,035

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